

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Roy Anthony REYES

Docket Number: 2:04CR00175-01

Offender Address: Oakland, California

Judicial Officer: Honorable Lawrence K. Karlton
Senior United States District Judge
Sacramento, California

Original Sentence Date: 10/05/2004

Original Offense: 18 USC 1708 - Possession of Stolen Mail
(CLASS D FELONY)

Original Sentence: 27 months Bureau of Prisons; 3-year term of supervised release; \$100 special assessment; \$138.55 restitution

Special Conditions: Search; Financial restrictions; Financial disclosure; Substance abuse treatment and testing; Mental health treatment; Co-payment for treatment services; Computer examinations

Type of Supervision: Supervised Release

Supervision Commenced: 05/12/2006

Assistant U.S. Attorney: James P. Arguelles **Telephone:** (916) 554-2700

Defense Attorney: Linda Harter **Telephone:** (916) 598-5700
Assistant United States Attorney

Other Court Action:

04/20/2006: Conditions modified with consent of offender to add placement in Community Corrections Center (CCC) for up to 120 days.

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NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. NEW LAW VIOLATIONS (TAKING A VEHICLE WITHOUT OWNER'S CONSENT)

Details of alleged non-compliance: According to report from the Oakland Police Department, on September 9, 2006, officers responded to a dispatched call from Enterprise Rental Car Company which advised the offender had rented a car on July 19, 2006, and had not returned it. Enterprise contacted the offender who advised he would return it on August 31, but as of September 9, had not returned the vehicle. On September 22, during a routine patrol, an officer observed the vehicle and determined it had been stolen. A traffic stop was conducted and the offender was found in the passenger seat accompanied by a female driver. He was placed under arrest.

According to court documents from the Alameda County Superior Court in Oakland, Docket Number 523192, on October 5, 2006, the offender was charged with one count of Unlawful Driving or Taking of a Vehicle. However, on October 13, 2006, the District Attorney advised that charges were dismissed. Further, the offender subsequently paid restitution to the Enterprise Company. The offender explained to the probation officer in the Northern District of California that he loaned the vehicle to a friend who kept it longer than anticipated. He was admonished by the probation officer for the incident and also for failing to notify the officer within 72 hours of his arrest. According to the offender, he had informed his state parole officer and had believed that was sufficient at the time.

The offender has maintained full-time employment and continues to reside in Oakland, California. There are no other known arrests.

United States Probation Officer Plan/Justification: It is recommended the Court take notice of the offender's misconduct, but allow the admonishment by the probation officer

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to serve as the sanction. No additional action by the Court is requested at this time. The Court shall be notified of any further misconduct.

Respectfully submitted,

/s/ John A. Poglinco

JOHN A. POGLINCO
Senior United States Probation Officer
Telephone: (916) 930-4303

DATED: December 5, 2006
Sacramento, California
JAP:jz

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

THE COURT ORDERS:

- (☒) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

December 5, 2006
Date



Signature of Judicial Officer

cc: United States Probation
James P. Arguelles, Assistant United States Attorney
Linda Harter, Assistant Federal Defender